

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KATHELINE PIERRE,

Plaintiff,

-against-

UNITED STATES FEDERAL AGENCY OF  
DEPOSIT INSURANCE CORPORATION,

Defendant.

22-CV-8704 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed without prepayment of fees, submit a signed *in forma pauperis* (IFP) application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted the complaint with a check for \$402.00, and the Court issued a summons for Defendant.<sup>1</sup> Thereafter, the check was returned unpaid due to insufficient funds in the account on which it was drawn. This action cannot proceed because Plaintiff has neither paid the \$402.00 in fees nor submitted an IFP application. The Clerk of Court is therefore directed to administratively close this action.

The Court's Finance Unit indicates that Plaintiff owes a \$53.00 insufficient funds fee for the returned check. If Plaintiff wishes to reopen this action, she must, within 14 days, pay the \$53.00 fee (by money order payable to the Clerk of Court or with cash, payable in-person), and either (1) complete the attached IFP application and show that she is unable to afford the cost of

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<sup>1</sup> The Court accepted this payment as an attorney check because it was mislabeled with the name "attorney-at-law MuyasiMpiences PLLC."

suit; or (2) pay the \$402.00 filing fee, in cash or by money order (payable to the Clerk of Court). All fees can be paid in a single money order for \$455.00.

### CONCLUSION

The Clerk of Court is directed to administratively close this action for Plaintiff's failure to pay the filing fees or request leave to proceed IFP. No answer from Defendant is required at this time.

To reopen this action, Plaintiff must, within 14 days, pay the \$53.00 insufficient funds fee imposed by the Finance Unit (by money order payable to the Clerk of Court or with cash, payable in-person), and either (1) complete the attached IFP application and show that she is unable to afford the cost of suit; or (2) pay the \$402.00 filing fee, in cash or by a separate money order (payable to the Clerk of Court).

If Plaintiff complies with this order, the case shall be reopened and screened under 28 U.S.C. § 1915(e)(2). If Plaintiff fails to comply with this order within the time allowed, the action will remain closed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: December 7, 2022  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge